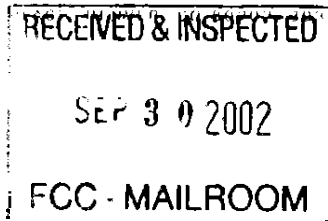


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Vincent C. DeGarlais
Deputy General Counsel &
V.P. of Regulatory Affairs
(303) 542-1254

Ex Parte Presentation

August 20, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

EX PARTE PRESENTATION FILED

Re: Oral Ex Parte Presentation
Progeny LMS. LLC Petition for Rulemaking to Amend Part 90 of the
Commission's Rules Governing Location and Monitoring Service to Provide
Greater Flexibility, RM-10403

Dear Ms. Dortch:

On August 10, 2002, John Griebeling, Chief Technology Officer of Ricochet Networks, Inc. ("RNI"), and I met at the Federal Communications Commission with Paul D'Ari, Jay Jackson, and Richard Arsenault of the Commercial Wireless Division, Policy and Rules Branch. We also met with Julius Knapp, Alan Scrimme and Karen Rackley of the Office of Engineering and Technology to discuss matters referenced in the above Petition for Rulemaking, RM-10403, and the views expressed in the comments and replies filed in the proceeding. Specifically, the discussion centered on the critical nature of the 900 MHz spectrum band to the operation of the Ricochet technology and the \$1.3 billion of investment in technology development and deployed and warehoused Ricochet assets that rely on the Part 15 Rules as promulgated by the FCC. We discussed further the necessity that these rules not fluctuate and that the safe harbor provisions remain intact so that license exempt users will continue to innovate and invest in bringing cutting edge technology to the public. We then explored the consequences of allowing Progeny and other Location and Monitoring Service (LMS) licensees in the 902-928 MHz band to have full flexibility to use the spectrum for whatever purpose they desired and, in particular, to interconnect with the Public Switched Telephone Network. Finally, we discussed RNI's inability to fully evaluate the consequences of or alternatives to Progeny's petition to modify the rules because Progeny has never

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presented a proposed plan for its use of the spectrum. RNT therefore expressed its opposition to any modifications of the rules that:

- Prevent the aggregation of existing multilateration LMS sub-bands,
- Restrict real-time interconnection with the public switched telephone network (PSTN),
- Restrict the types of communications or services that LMS operators may provide, and
- Require field-testing of LMS devices and establish a "safe-harbor" of noninterference to LMS operations by unlicensed wireless devices.

This meeting also discussed the inability of RNI or other License Exempt providers to engage with Progeny in a negotiated rulemaking or an industry coordinated approach to resolve any potential interference issues based on Progeny's failure or refusal to present a plan outlining its proposed alternative use for the spectrum.

In accordance with Section 1.1206(b) of the Commission's Rules, please accept this original and one copy for submission. Should you have any questions or concerns in connection with this submission, please contact me at 303-542-1254.

Respectfully,



Vincent C. DeGarlais

cc: Richard Arsenault
Jay Jackson
Paul D'Ari
Alan Scrim
Karen Rackley
Julius Knapp